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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 IN RE: HIGH-TECH EMPLOYEE
16 ANTITRUST LITIGATION

17 THIS DOCUMENT RELATES TO:
18 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF ANNE M. SELIN
IN SUPPORT OF DEFENDANTS'
JOINT ADMINISTRATIVE MOTION
TO FILE UNDER SEAL DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
SUPPLEMENTAL MOTION IN
SUPPORT OF CLASS CERTIFICATION
AND RELATED DOCUMENTS**

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23 I, Anne M. Selin, declare as follows:

24 1. I am an attorney with the law firm of Mayer Brown LLP, counsel for Defendant
25 Google, Inc. ("Google") in the above-captioned matter. I am admitted to practice law before this
26 Court. I submit this declaration in support of Defendants' Joint Administrative Motion to File
27 Under Seal Defendants' Opposition to Plaintiffs' Supplemental Motion in Support of Class
28 Certification and Related Documents that is being filed concurrently herewith. As an attorney

1 involved in the defense of this action, unless otherwise stated, I have personal knowledge of the
2 facts stated in this declaration and if called as a witness, I could and would competently testify to
3 them.

4 2. I have read and reviewed the Declarations of Frank Wagner (Google's Director of
5 Compensation) that were filed on October 9, 2012, November 12, 2012 and December 18, 2012
6 (Dkts. 201, 221 and 261, respectively) in this matter. In those Declarations, Mr. Wagner
7 describes the competitive harm that Google would suffer if certain confidential and highly
8 sensitive details about Google's compensation, recruiting, and hiring strategies and practices,
9 including confidential details about Google's internal deliberations and business strategy related
10 to how Google sets and structures compensation (including salary, bonus and equity) for its
11 employees.

12 3. Google has identified and made specific and narrowly tailored redactions—which
13 are detailed in paragraph 4 below—to discrete portions of the following papers: (a) Defendants'
14 Opposition to Supplemental Class Certification Motion ("Opposition"), (b) certain exhibits to the
15 Declaration of Christina Brown in support of the Opposition ("Brown Declaration"), (c) certain
16 exhibits to the Supplemental Expert Report of Professor Kevin M. Murphy ("Supplemental
17 Murphy Report"), (d) Expert Report of Kathryn Shaw, Ph.D. ("Shaw Report"), and (e) certain
18 exhibits to the Declaration of Lin Kahn filed in support of the Shaw Report ("Kahn
19 Declaration"). These discrete portions contain confidential and highly sensitive details about
20 Google's compensation that reflect Google's internal deliberations and business strategy related
21 to how Google sets and structures compensation (including salary, bonus and equity) for its
22 employees.

23 4. In particular, Google requests to seal the following:

24 **a) Opposition**

- 25 i) Page 9, lines 17-28 (text following "This chart shows that," and the
26 associated chart related to Google compensation of certain software
27 engineers)
28

1 ii) Page 20, lines 19-20 (quotation after “Google’s suggestion that Big
2 Bang”)

3 iii) Page 21, line 9 (text after “Google—” and ending before “employees that
4 Google hired from Intel”)

5 **b) Exhibits to the Brown Declaration**

6 i) The following portion of Exhibit 2 (excerpts of Edward Leamer
7 Deposition dated June 11, 2013): Page 724: lines 1-7 and 19-22

8 ii) The following portion of Exhibit 3 (excerpts of Kevin Hallock deposition
9 transcript dated June 7, 2013): Page 251, lines 8-10

10 **c) Supplemental Murphy Report**

11 i) Exhibit 1 (data related to Google)

12 ii) Exhibit 2 (data related to Google)

13 iii) Exhibit 3 (data related to Google)

14 iv) Appendix B (data related to Google)

15 **d) Shaw Report**

16 i) Page 19, Paragraph 51 (last sentence only)

17 ii) Page 19, footnote 23 (language in parenthetical)

18 iii) Page 20, footnote 25 (language in parenthetical following “Wagner Decl.
19 ¶¶ 7-8”)

20 iv) Page 20, footnote 26 (language in parenthetical following “Wagner Decl.
21 ¶¶ 7-8”)

22 v) Page 21, footnote 32 (language in parenthetical following “Wagner Decl. ¶
23 8”)

24 vi) Page 22, footnote 34 (language in parenthetical following “Wagner Dep.
25 26:22-25, 29:15-21”)

26 vii) Page 23, footnote 35 (language in parenthetical following “Wagner Dep.
27 Tr. 108:19-23”)
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- viii) Page 24, Paragraph 65 (text in third sentence following “Figure 12 to Dr. Hallock’s report demonstrates that”)
- ix) Page 24, footnote 36 (language in parenthetical following “Wagner Dep. Tr. 109:16-19”)
- x) Appendix C, Paragraphs 7-11
- xi) Appendix D, Paragraphs 9-11
- xii) Appendix E1 (data related to Google)

e) Exhibits to the Kahn Declaration

- i) portions of Exhibit 3 (excerpts from the deposition of Frank Wagner and errata)
- ii) portions of Exhibit 15 (excerpts from the deposition of Laszlo Bock)

5. Based on the previous declarations submitted by Frank Wagner, the information identified in Paragraph 4 above is confidential and highly sensitive commercial information, from which Google derives economic benefit by maintaining its confidentiality. Dkts. 201, 221 and 261. Google does not disclose this information to its competitors, customers or the general public. *Id.* Public disclosure of this information would likely result in competitive harm to Google by giving third parties, including its competitors in the labor market, direct insight into confidential and sensitive aspects of Google’s internal decision-making processes and business strategy related to its employee compensation. *Id.*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 21, 2013 in Palo Alto, California.

/s/ Anne M. Selin
Anne M. Selin